

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

HICA EDUCATION LOAN	§	
CORPORATION	§	
	§	
V	§	CASE NO. 4:10cv366
	§	(Judge Schneider/Judge Mazzant)
ANNETTE B. HORNE, a/k/a	§	
MARY ANNETTE BUNCH	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On March 2, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Default Judgment (Dkt. #12) should be GRANTED

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Plaintiff's Motion for Default Judgment (Dkt. #12) is GRANTED.

It is further **ORDERED** that:

1. Judgment by default is entered in favor of Plaintiff and against Defendant, Annette B. Horne, a/k/a Mary Annette Bunch.

2. Plaintiff shall recover damages on account of Plaintiff's claim on what is identified in the Complaint as the Note in the amount of \$5,684.76 (consisting of \$5,482.73 in unpaid principal and accrued, unpaid interest of \$202.03 through February 4, 2011), plus additional prejudgment interest at the rate of \$0.43 per day from February 4, 2011, until the date of this judgment.
3. Post-judgment interest on the amounts awarded to Plaintiff herein on account of the foregoing promissory note at the contractual interest rate set forth therein, and which is a variable rate calculated by the Secretary of the Department of Health and Human Services for each calendar quarter and computed by determining the average of the bond equivalent rates for the ninety-one day U.S. Treasury Bills auctioned during the preceding quarter, plus 3.0 percent, rounding this figure up to the nearest one-eighth of one percent, or at the highest rate allowed by law.
4. Plaintiff shall be entitled to all writs and process necessary to enforce this judgment.
5. Plaintiff shall recover attorneys' fees from Defendant in the amount of \$1,737.02.
6. The Court awards Plaintiff court costs.

It is SO ORDERED.

SIGNED this 25th day of March, 2011.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE